

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0292V

Filed: November 30, 2016

UNPUBLISHED

GAIL M. SCHRANK,

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Petitioner,

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v.

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Ruling on Entitlement; Concession;
Tetanus-diphtheria-acellular pertussis
("Tdap") Vaccine; Shoulder Injury
Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Kristin M. Cafferty, Habush, Habush & Rottier, S.C., Racine, WI, for petitioner.

Alice Isabel Legal Tayman, U.S. Dep't of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On March 2, 2016, Gail M. Schrank ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act"). Petitioner alleges that as a result of receiving a Tetanus-diphtheria-acellular pertussis ("Tdap") vaccination in her left shoulder on March 4, 2014, she suffered a Shoulder Injury Related to Vaccine Administration ("SIRVA"). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 30, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent has concluded that a preponderance of the evidence establishes that the injury to petitioner's left shoulder was caused by the administration of the March 4, 2014 Tdap vaccine, and that petitioner's injury is not due

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

to factors unrelated to the administration of that vaccination. *Id.* at 5. Respondent further agrees that the six month sequela requirement has been satisfied. *Id.*

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master